

Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 4/8/2019 7:09:44 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: FY 2020 EPA Budget Hearings: PFAS

Tony, could you combine this w the enforcement one pager that Susan prepared

Sent from my iPhone

On Apr 8, 2019, at 3:07 PM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:

Sorry for the delay. Hard to answer simply.

SAC HEARING (April 3): <https://www.c-span.org/video/?459448-1/epa-administrator-wheeler-testifies-agencys-fiscal-year-2020-budget-request>

Tester (29:40): Has PFAS been banned? Senator mentions firefighting foam specifically.

Administrator: Yes, the worst ones, but there are thousands of chemicals. We are evaluating a SNUR for PFOA/PFAS.

Clarification of the Administrator's response:

- PFAS have not been banned by EPA however, we reached that end in a significant way when EPA led the PFOA Stewardship program from 2005-2015. Under this program, 8 major companies stopped producing longer chain PFAS.
- Since then, EPA has taken a range of regulatory actions on PFAS under section 5 of TSCA to ensure that discontinued uses of PFASs do not resume without EPA review and approval.
- Most recently, on January 21, 2015 EPA proposed a Significant New Use Rule (SNUR) under TSCA to require manufacturers (including importers) of PFOA and PFOA-related chemicals, including as part of articles, and processors of these chemicals to notify EPA at least 90 days before starting or resuming new uses of these chemicals in any products. EPA will be updating this proposal later this year to conform to the Lautenberg Amendments.
- Also in OUR NEW Chemicals Program under section 5 of TSCA, EPA has taken many actions to address PFAS chemicals. Over 270 PFAS are subject to SNURs. Every new PFAS chemistry comes to EPA for review before it can be manufactured and EPA places appropriate restrictions to ensure protection of the environment and human health. Examples of such protections include: no release of the PFAS to air or water and testing often required for PFAS chemicals include environmental fate or toxicity testing.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Lyons, Troy
Sent: Monday, April 8, 2019 2:39 PM

To: Beck, Nancy <Beck.Nancy@epa.gov>

Cc: Kramer, Jessica L. <kramer.jessical@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>

Subject: Re: FY 2020 EPA Budget Hearings: PFAS

Anything?

Sent from my iPhone

On Apr 8, 2019, at 11:27 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Will do.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSP
P: 202-564-1273
beck.nancy@epa.gov

From: Lyons, Troy
Sent: Monday, April 8, 2019 10:27 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Kramer, Jessica L. <kramer.jessical@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: FY 2020 EPA Budget Hearings: PFAS

Thanks, Nancy. Please send them along once you have the points

From: Beck, Nancy
Sent: Saturday, April 6, 2019 9:06 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Kramer, Jessica L. <kramer.jessical@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Subject: Re: FY 2020 EPA Budget Hearings: PFAS

I've asked our team for the bullets by 10am Monday.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: [202-564-1273](tel:202-564-1273)
beck.nancy@epa.gov

On Apr 5, 2019, at 11:01 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Adding Nancy.

Nancy—let us know if you are taking the lead, or if Jess should.
Sent from my iPhone

On Apr 5, 2019, at 5:56 PM, Kramer, Jessica L.
<kramer.jessical@epa.gov> wrote:

Hi Troy,

It looks like Susan has addressed two of the three issues we (OW) identified while reviewing the Administrator's testimony – the HA not being a regulatory standard and the number of enforcement actions EPA has assisted with.

The third item we identified for clarification is the Administrator's statements on whether PFOS and PFOA have been banned. We assume Nancy Beck is taking a run at this one, but please let us know if that is not the case or if there is anything else we can do to help with this.

Thanks and have a great weekend!

Jess Kramer

Jessica L. Kramer
Policy Counsel to the Assistant Administrator
Office of Water
(202) 564-6322

From: Ross, David P
Sent: Friday, April 5, 2019 5:29 PM
To: Kramer, Jessica L. <kramer.jessical@epa.gov>
Subject: Fwd: FY 2020 EPA Budget Hearings: PFAS

Sent from my iPad

Begin forwarded message:

From: "Bodine, Susan"
<bodine.susan@epa.gov>
Date: April 5, 2019 at 5:25:37 PM EDT
To: "Lyons, Troy"
<lyons.troy@epa.gov>, "Wehrum, Bill"
<Wehrum.Bill@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Dunn, Alexandra"
<dunn.alexandra@epa.gov>, "Dunlap, David" <dunlap.david@epa.gov>,
"Leopold, Matt (OGC)"
<Leopold.Matt@epa.gov>, "Wright, Peter" <wright.peter@epa.gov>,

"McIntosh, Chad"
<mcintosh.chad@epa.gov>, "Greaves,
Holly" <greaves.holly@epa.gov>,
"Schiermeyer, Corry"
<schiermeyer.corry@epa.gov>, "Beck,
Nancy" <Beck.Nancy@epa.gov>,
"Fotouhi, David"
<Fotouhi.David@epa.gov>
Cc: "Bolen, Brittany"
<bolen.brittany@epa.gov>, "Jackson,
Ryan" <jackson.ryan@epa.gov>,
"Molina, Michael"
<molina.michael@epa.gov>, "Darwin,
Henry" <darwin.henry@epa.gov>
Subject: RE: FY 2020 EPA Budget
Hearings: PFAS

Attached are updated talking points
with some nuance on enforcement.

I am assuming OGC is providing talking
points on our inability to help NM with
the state's offensive litigation against
the United States. I added a note
saying that was not included under the
"working with states" bullet point.

We help states and local governments
get action from federal facilities
through our data collection, persuasion,
CERCLA authorities if listed on the NPL,
and also our emergency order
authorities.

Also, for Nancy and Alex on PFAS bans. I
note that fire fighting foam is still
required by DOD's military specs and by
FAA at commercial airports. Recent
legislation on these uses:

The FY 2018 NDAA (P.L. 115-91) at section
1059 requires DOD to report to the Armed
Services committees on DOD's progress in
*"developing a new military specification for
safe and effective alternatives to aqueous
film forming foam (hereinafter referred to
as "AFFF") that do not contain
perfluorooctanoic acid (hereinafter referred
to as "PFOA") or perfluorooctanesulfonic
acid (hereinafter referred to as "PFOS")."*

The FAA Reauthorization Act of 2018 (P.L.
115-254) directs FAA to stop requiring
commercial airports to use the foam with
perfluorinated compounds.

*SEC. 332. AIRPORT RESCUE AND
FIREFIGHTING.*

(a) FIREFIGHTING FOAM.—Not later than 3 years after the date of enactment of this Act, the Administrator, using the latest version of National Fire Protection Association 403, “Standard for Aircraft Rescue and Fire-Fighting Services at Airports”, and in coordination with the Administrator of the Environmental Protection Agency, aircraft manufacturers and airports, shall not require the use of fluorinated chemicals to meet the performance standards referenced in chapter 6 of AC No: 150/5210–6D and acceptable under 139.319(l) of title 14, Code of Federal Regulations.

From: Lyons, Troy

Sent: Thursday, April 4, 2019 3:01 PM

To: Wehrum, Bill

<Wehrum.Bill@epa.gov>; Ross, David P

<ross.davidp@epa.gov>; Dunn,

Alexandra <dunn.alexandra@epa.gov>;

Dunlap, David

<dunlap.david@epa.gov>; Leopold,

Matt (OGC) <Leopold.Matt@epa.gov>;

Wright, Peter <wright.peter@epa.gov>;

McIntosh, Chad

<mcintosh.chad@epa.gov>; Greaves,

Holly <greaves.holly@epa.gov>; Bodine,

Susan <bodine.susan@epa.gov>;

Schiermeyer, Corry

<schiermeyer.corry@epa.gov>

Cc: Bolen, Brittany

<bolen.brittany@epa.gov>; Jackson,

Ryan <jackson.ryan@epa.gov>; Molina,

Michael <molina.michael@epa.gov>;

Darwin, Henry

<darwin.henry@epa.gov>

Subject: FY 2020 EPA Budget Hearings:
PFAS

Importance: High

Colleagues: please find below the time slots indicating when PFAS was brought up in the budget hearings. The person who usually formats these into clips is out of town, so you will need to fast forward to the times listed below.

A link to the Senate Interior Approps hearing may be found [here](#)

1. Murkowski: 46:00—50:45
2. Tester: 53:13—54:33
3. Udall: 1:59:00—2:01:32

Troy M. Lyons

Associate Administrator
Office of Congressional &
Intergovernmental Relations
U.S. Environmental Protection Agency
202-309-2490 (cell)

<PFAS Enforcement Talking Points - Nuanced.docx>